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Attorneys for Plaintiff
FEDERAL DEPOSIT INSURANCE
CORPORATION as Receiver for
SONOMA VALLEY BANK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FEDERAL DEPOSIT INSURANCE
CORPORATION as Receiver for
SONOMA VALLEY BANK,

Plaintiff,

v.

MELVIN J. SWITZER, SEAN C.
CUTTING, and BRIAN MELLAND,

Defendants.

Case No. 3:13-cv-03834-RS

**STIPULATION TO EXTEND THE
BRIEFING SCHEDULE OF
DEFENDANTS' MOTIONS TO DISMISS,
AND TO PERMIT PLAINTIFF TO FILE
ONE OVERLENGTH OPPOSITION
BRIEF; ~~[PROPOSED]~~ ORDER**

1 Plaintiff Federal Deposit Insurance Corporation as Receiver for Sonoma Valley Bank
 2 ("Plaintiff") and Defendants Sean C. Cutting ("Cutting"), Melvin J. Switzer ("Switzer") and
 3 Brian Melland ("Melland") (collectively, "Defendants"), by and through their counsel, hereby
 4 enter into this Stipulation based on the following:

5 1. On December 10, 2013, Defendants Cutting and Switzer responded to Plaintiff's
 6 complaint by filing a Motion to Dismiss the Complaint Pursuant to FRCP 12(b)(6) ("Motion to
 7 Dismiss") [Doc. Nos. 13-17].

8 2. On January 15, 2014, Defendant Melland ("Melland") responded to the complaint
 9 by filing a separate Motion to Dismiss the Complaint Pursuant to FRCP 12(b)(6) [Doc. No. 20-
 10 21].

11 3. On December 13, 2013, Plaintiff and Defendants Cutting and Switzer entered a
 12 stipulation, and the Court entered an order, providing that Plaintiff shall file opposition papers by
 13 January 29, 2014, with Defendants' reply papers due February 12, 2014, and the hearing date for
 14 the Motions to Dismiss on March 13, 2014 at 1:30 p.m. in Courtroom 3 [Doc. No. 18].

15 4. To accommodate a conflict of the Plaintiff's counsel, the parties now propose to
 16 extend the above briefing deadline, with Plaintiff's opposition to both motions due February 4,
 17 2014, and Defendants' reply papers due February 21, 2014.

18 5. Further, for the sake of efficiency, the parties propose to allow Plaintiff to file a
 19 single brief in opposition to both Motions to Dismiss with a page limitation of thirty-five (35)
 20 pages rather than filing two separate opposition briefs each with a page limitation of twenty-five
 21 (25) pages, pursuant to Rule 7-4 of the Civil Local Rules, U.S. District Court, Northern District of
 22 California.

23 THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT Plaintiff's
 24 opposition to the Motions to Dismiss shall be filed on or before February 4, 2014; Defendants'
 25 reply papers shall be filed on or before February 21, 2014; and the Motions to Dismiss shall
 26 remain scheduled for hearing on March 13, 2014 at 1:30 p.m. in Courtroom 3. Further, Plaintiff
 27 may file a single brief in opposition to both motions, not to exceed thirty-five (35) pages of text.

28 ///

1 Dated: January 29, 2014

SCHIFF HARDIN LLP

2
3 By: Robert B. Mullen
4 Antony S. Burt
5 Robert B. Mullen
6 Nicole S. Kilgore
7 Attorneys for Plaintiff
8 FEDERAL DEPOSIT INSURANCE
9 CORPORATION as Receiver for
10 SONOMA VALLEY BANK

11 Dated: January 29, 2014

JONES DAY

12 By: Neal J. Stephens
13 Valerie McConnell
14 Attorneys for Defendant
15 SEAN C. CUTTING

16 Dated: January _____, 2014

DUANE MORRIS LLP

17 By: _____
18 George D. Niespolo
19 Stephen H. Sutro
20 Attorneys for Defendant
21 MELVIN J. SWITZER

22 Dated: January 29, 2014

GEARY, SHEA, O'DONNELL,
GRATTAN & MITCHELL, P.C.

23 By: John A. Holdredge
24 Matthew K. Good
25 Attorneys for Defendant
26 BRIAN MELLAND

1 Dated: January _____, 2014

SCHIFF HARDIN LLP

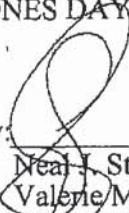
2
3 By: _____

4 Antony S. Burt
5 Robert B. Mullen
6 Nicole S. Kilgore
7 Attorneys for Plaintiff
8 FEDERAL DEPOSIT INSURANCE
9 CORPORATION as Receiver for
10 SONOMA VALLEY BANK

11 Dated: January 29, 2014

JONES DAY

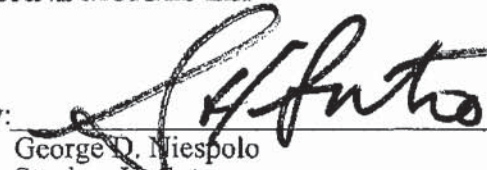
12 By: _____

13 
14 Neal J. Stephens
15 Valerie McConnell
16 Attorneys for Defendant
17 SEAN C. CUTTING

18 Dated: January 19, 2014

DUANE MORRIS LLP

19 By: _____

20 
21 George D. Niespolo
22 Stephen H. Sutro
23 Attorneys for Defendant
24 MELVIN J. SWITZER

25 Dated: January _____, 2014

26 GEARY, SHEA, O'DONNELL,
27 GRATTAN & MITCHELL, P.C.

28 By: _____

John A. Holdredge
Matthew K. Good
Attorneys for Defendant
BRIAN MELLAND

~~[PROPOSED]~~ ORDER

Pursuant to the Parties' stipulation, Plaintiff Federal Deposit Insurance Corporation as Receiver for Sonoma Valley Bank's opposition to Defendants Sean C. Cutting and Melvin J. Switzer's Motion to Dismiss the Complaint Pursuant to FRCP 12(b)(6), and opposition to Defendant Brian Melland's Motion to Dismiss Complaint Pursuant to FRCP 12(b)(6), shall be filed on or before February 4, 2014. Defendants' reply papers, if any, shall be filed on or before February 21, 2014. Further, Plaintiff may file a single brief in opposition to both Motions to Dismiss, not to exceed 35 pages of text. The hearing of the Motions to Dismiss and the Initial Case Management Conference shall remain scheduled for March 13, 2014 at 1:30 p.m. in Courtroom 3 before the Honorable Richard Seeborg.

IT IS SO ORDERED.

Dated: 1/29, 2014


U.S. District Judge

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PROOF OF SERVICE

I, the undersigned, certify and declare as follows:

I am over the age of eighteen years and not a party to this action. My business address is One Market, Spear Street Tower, 32nd Floor, San Francisco, California. On the date stated below, at San Francisco, California, I served the attached document(s) on the parties in this action as follows:

**STIPULATION TO EXTEND THE BRIEFING SCHEDULE OF
DEFENDANTS' MOTIONS TO DISMISS, AND TO PERMIT PLAINTIFF
TO FILE ONE OVERLENGTH OPPOSITION BRIEF;
(PROPOSED) ORDER**

☒ **BY E-SERVING:** By electronically serving the document(s) listed above via ECF/PACER on the recipients designed on the Transaction Receipt located on the ECF/PACER website.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed this 29th day of January 2014, at San Francisco, California.

/s/ Nadine E. Williams
Nadine E. Williams

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